

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 152 OF 2005

Controllerate of Quality Assurance
Engineering Employees Union

... Petitioners

Versus

Union of India and Ors.

... Respondents.

Mr. Rahul G. Walia for the petitioner.

CORAM: **KSHITIJ R. VYAS, C.J. &**
DR. D.Y. CHANDRACHUD, J.

DATE: **MARCH 22, 2006.**

P.C.

The petitioners, by way of this Public Interest Litigation, have invoked the jurisdiction of this Court under Article 226 of the Constitution of India challenging the judgment and order dated 25th May, 2005, passed by the Central Administrative Tribunal, Mumbai Bench, in O.A. No. 890 of 2003. The petitioners have also questioned the letter dated 2nd November, 1996, whereby the private respondents were placed in the scale of Rs. 1400-2300 from the date of their initial appointments. According to the petitioners, a fraud has been committed by giving appointments to the private respondents and placing them on higher pay scale. It is now well settled that matters

pertaining to service law, jurisdiction under Article 226 of the Constitution of India cannot be invoked by way of PIL [See *Gurpal Singh vs. State of Punjab and Ors.* (2005) 5 SCC 136]. The petitioners, while challenging the order passed by Central Administrative Tribunal wherein the Tribunal has in fact upheld the decision of the management to grant higher pay scales and other benefits to the respondents, could not have invoked the PIL jurisdiction. We reject the petition solely on the ground that no PIL would be maintainable in service matters.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.